

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

TONY ANTHONY FAIR, JR., <div style="text-align: center;">Plaintiff,</div> VS. NURSE WHITE, <i>et al.</i>, <div style="text-align: center;">Defendants.</div> <hr style="width: 40%; margin-left: 0;"/>	: : : : : : : : : : :	NO. 5:21-CV-00243-TES-CHW
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ORDER

Pro se Plaintiff Tony Anthony Fair, Jr., an inmate who is currently incarcerated at the Dooly County Justice Center in Pinehurst, Georgia, has filed a Complaint seeking relief under 42 U.S.C. § 1983 (ECF No. 1). On October 18, 2021, the Court granted Plaintiff's motion to proceed *in forma pauperis* in this action and ordered Plaintiff to pay an initial partial filing fee of \$55.03 and recast his claims on the Court's standard form if he intended to proceed with this action. Plaintiff was further instructed to submit a renewed motion for leave to proceed *in forma pauperis* if he could not pay the initial partial filing fee as ordered. Plaintiff was given twenty-one (21) days to comply, and he was warned that the failure to fully and timely comply with the Court's orders and instructions could result in the dismissal of his Complaint. *See generally* Order, Oct. 18, 2021, ECF No. 5.

The time for compliance passed, and while Plaintiff did submit a recast complaint (ECF No. 6), he did not pay the initial partial filing fee as ordered or explain why he cannot pay that fee. As such, Plaintiff was ordered to respond and show cause why his lawsuit should not be dismissed for failure to comply with the Court's orders and instructions.

Plaintiff was again given fourteen (14) days to respond, and he was advised that the failure to fully and timely respond to the Court's orders and instructions could result in the dismissal of his case. *See generally* Order, Dec. 7, 2021, ECF No. 9.

The time for compliance has again passed, and Plaintiff has not yet paid the initial partial filing fee or filed a renewed motion for leave to proceed *in forma pauperis* as ordered. Plaintiff did file a response to the show cause order, however, in which he appears to explain that he is having difficulty complying due to Defendants' refusal to cooperate. *See, e.g.*, Pl.'s Resp. 1, Dec. 22, 2021, ECF No. 10 ("I don't control nothing because I'm incarcerated detainee who's [sic] rights are being violated by defendants mail isn't open in front of me once receive[d], Defendants control inmate account, medical for I've been refuse[d] access to law books as well."). For this reason, Plaintiff will be provided with an additional **FOURTEEN (14) DAYS** to either pay the initial partial filing fee of \$55.03 or file a renewed motion for leave to proceed *in forma pauperis*—including an updated copy of his prison trust fund account information—explaining why he cannot now pay this fee.

If Plaintiff is contending that Defendants' refusal to cooperate with him is preventing him from complying with this Order, Plaintiff is instructed to show the appropriate prison official this Order when he requests assistance from that official. If the prison official still refuses to provide assistance, Plaintiff should notify the Court: (1) the name of the prison official from whom he requested assistance; (2) the date he made such request; and (3) the date that he was notified that the prison official would not provide assistance. If Plaintiff receives notification in writing from the prison official regarding an inability to deduct the initial partial filing fee from Plaintiff's inmate account or provide a

certified copy of his prison trust fund account statement, Plaintiff should provide the Court with a copy of this notification.

To reiterate, Plaintiff shall have **FOURTEEN (14) DAYS** to comply. **Failure to fully and timely comply with this Order will result in the dismissal of Plaintiff's Complaint.** Plaintiff is also reminded of his obligation to notify the Court in writing of any change in his mailing address. There shall be no service of process until further order of the Court.

SO ORDERED, this 10th day of January, 2022.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge